

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD LYNCH,)	
)	Civil Action
Petitioner)	No. 2005-CV-06292
)	
vs.)	
)	
DAVID DIGUGLIELMO,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF PHILADELPHIA and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 24th day of March, 2007, upon consideration of the pro se petition for writ of habeas corpus, which petition was filed April 10, 2006; upon consideration of the Response to Petitioner's Writ of Habeas Corpus, which response was filed August 24, 2006; upon consideration of the Appellant's Opposition and Reply to the DA's Reply, which was filed August 30, 2006; upon consideration of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge filed November 30, 2006; upon consideration of Petitioner's Motion for an Extension of Time Which to Submit an Opposition to Magistrate Strawbridge's Recommendation/Report, which motion was filed December 6, 2006; upon consideration of the Objections to Magistrate David R. Strawbridge Report and Recommendation of November 30, 2006, which objections were filed January 4, 2007; upon consideration of Petitioner's Brief in Support of his Objection to Magistrate David R. Strawbridge['s] Report and Recommendation of

November 30, 2006, which brief was filed January 4, 2007; upon consideration of Appellant's Motion for Appointment of Counsel, which motion was filed August 16, 2006; it appearing that petitioner's objections to Magistrate Judge Strawbridge's Report and Recommendation are simply a restatement of the issues raised in his underlying petition for habeas corpus relief and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Strawbridge's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Petitioner's Motion for an Extension of Time Which to Submit an Opposition to Magistrate Strawbridge's Recommendation/Report is granted.

IT IS FURTHER ORDERED that the Objections to Magistrate David R. Strawbridge Report and Recommendation of November 30, 2006 and the brief in support of the objections are both deemed timely filed as of January 4, 2007.

IT IS ORDERED that Magistrate Judge Strawbridge's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's objections to Magistrate Judge Strawbridge's Report and Recommendation are overruled.¹

¹ When objections are filed to a magistrate judge's report and recommendation, we are required to make a de novo determination of those

(Footnote 1 continued):

IT IS FURTHER ORDERED that the pro se petition for habeas corpus relief is denied without a hearing.

IT IS FURTHER ORDERED that because petitioner fails to demonstrate either the denial of a constitutional right or that reasonable jurists would disagree with this court's disposition of his claims, a certificate of appealability is denied.

IT IS FURTHER ORDERED that Appellant's Motion for Appointment of Counsel is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge

(Continuation of footnote 1):

portions of the report, findings or recommendations made by the magistrate judge to which there are objections. 28 U.S.C. § 636(b)(1); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. We may accept, reject or modify, in whole or in part any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

As noted above, we conclude that petitioner's objections to Magistrate Judge Strawbridge's Report and Recommendation are nothing more than a restatement of the underlying claims contained in his petition for habeas corpus. Moreover, upon review of the Report and Recommendation, together with de novo review of this matter, we conclude that the Report and Recommendation correctly determines the legal and factual issues raised by petitioner.

Accordingly, we approve and adopt Magistrate Judge Strawbridge's Report and Recommendation and overrule petitioner's objections to the Report and Recommendation.